IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 859 of 2006

IN

NOTICE OF MOTION NO. 1475 OF 2006

IN

SUIT NO. 1238 OF 2006

Meera Shivanand Baindur & Anr..... Appellants.

Versus

Shekhar Shivanand Baindur.... .. Respondents.

Mr. Yadunath Chaudhari for the Appellants.

Mr.Shekhar Shivanand Baindur, Respondent present in person.

CORAM : R. M. LODHA, and S. A. BOBDE, JJ.

DATED : 11TH DECEMBER, 2006.

P.C.:

We heard the Counsel for the appellant and the respondent in person.

2. This is an unfortunate case where there is a dispute between the mother and the son. The relationship between them is not only not cordial but

extremely volatile. The mother is about 76 years old while the son is 51 years. The appellant no.2, who is the daughter of appellant no.1, also stays with her.

3. Having minutely examined the sketch plan and the volatile relationship of the mother and son, we are of the view that the order passed by the learned motion Judge by way of an ad-interim relief may create more problem and further lead to deterioration in relationship of the mother and the son.

4. In our considered view, the following order shall meet ends of justice, to remain operative until disposal of the notice of motion:

(1) The portion shown in blue lines in the sketch plan at Exhibit "C" (page 40) shall remain in exclusive possession and enjoyment of the appellant no.1 (mother) and the portion marked by red lines shall remain in exclusive possession and enjoyment of the respondent (son).

(2) The appellant no.1 shall be at liberty to put up wooden partition wall along the door

shown in blue dotted line marked (ABC).

(3) The respondent no.1 (son) shall be at liberty to put up a separate door at red dotted line (CD).

(4) The lock at door (AD) shall have two keys: the parties, namely, the appellant no.1 and respondent shall have one key each.

(5) The appellant no.1 shall install separate electricity meter for her portion and until that is done the appellant no.1 shall share equally the electricity consumption charges with the respondent.

5. The impugned order dated 8th November, 2006 stands modified, accordingly.

6. Appeal is disposed of with no order as to costs.

Sd/-

(R. M. LODHA, J.)

Sd/-

(S. A. BOBDE, J.)